

AMENDED IN SENATE AUGUST 27, 2002
AMENDED IN SENATE AUGUST 19, 2002
AMENDED IN SENATE AUGUST 5, 2002
AMENDED IN SENATE JUNE 26, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2880

Introduced by Assembly Member Chavez

February 25, 2002

An act to amend Sections 7583.2, 7583.20, 7587.1, and 7588 of, to amend, repeal, and add Sections 7583.6 and 7583.7 of, and to add Section 7588.5 to, the Business and Professions Code, relating to private security services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2880, as amended, Chavez. Private security services.

Existing law provides for the regulation of private security services by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law requires a person who is registered as a security guard to complete a course of training on the power to arrest and requires that the course meet certain requirements, including that it be approximately 3 hours in length and that it cover specified subjects. Existing law exempts peace officers meeting certain criteria from this requirement.

This bill would make certain revisions to the course of training, including increasing the length to approximately 8 hours and revising the subjects that the course of training is required to cover.

This bill would require the department to develop and approve, by regulation, a standard course and curriculum for security officer skills training, and to consult with specified persons in formulating the regulations. Commencing July 1, 2004, the bill would require a security guard, other than a peace officer meeting certain requirements, to complete the course of training within a specified time period from the date that a registration card is issued, would authorize licensees or department-approved organizations to administer, test, and certify the security officer skills course of training, and would require a course provider to issue a certificate upon satisfactory completion of either the power to arrest or the security officer skills course of training.

Existing law requires a licensee as a private patrol operator to be responsible for ascertaining that employees subject to registration are currently registered or have made proper application for registration. Existing law prohibits a licensee from failing to maintain an accurate and current record of proof of completion by each employee of the mandated course of training in the exercise of the power to arrest.

This bill would additionally require a licensee, commencing January 1, 2005, to be responsible for ascertaining that employees subject to registration have, in the preceding 12 months, completed a specified amount of dedicated review or practice of security officers training. The bill would also prohibit a licensee from failing to maintain an accurate and current record of proof of completion of the required security officers skills training and annual practice and review.

Existing law authorizes the Director of Consumer Affairs to deny, suspend, or revoke a private patrol operator license if it is determined that the licensee has violated any provisions of the Private Security Services Act.

This bill would exclude the assessment or payment of fines as provisions the violation of which would subject a licensee to this disciplinary action.

Existing law sets forth a security guard registration fee not to exceed \$40 and a security guard registration renewal fee not to exceed \$30.

This bill would instead require that the registration fee be \$50 and that the renewal fee be \$35. The bill would authorize the Director of Consumer Affairs to reduce temporarily these fees upon receipt of federal funds, provided that the funds received are for implementation



of the act or enhancement of private security services in the state and are sufficient to justify the reduction.

The bill would incorporate additional changes in Sections 7583.2, 7583.6, and 7583.7 of the Business and Professions Code proposed by AB 248 and SB 1241, to be operative only if either or both of the other bills are enacted and become effective on or before January 1, 2003, and this bill is enacted last.

The increase in fees would increase the moneys deposited in the Private Security Services Fund, a continuously appropriated fund, for the purpose of licensing and regulation of private security services and would thereby make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7583.2 of the Business and Professions
2 Code is amended to read:
3 7583.2. No person licensed as a private patrol operator shall
4 do any of the following:
5 (a) Fail to properly maintain an accurate and current record of
6 all firearms or other deadly weapons that are in the possession of
7 the licensee or of any employee while on duty. Within seven days
8 after a licensee or his or her employees discover that a deadly
9 weapon that has been recorded as being in his or her possession has
10 been misplaced, lost, or stolen, or in any other way missing, the
11 licensee or his or her manager shall mail or deliver to any local law
12 enforcement agency that has jurisdiction, a written report
13 concerning the incident. The report shall describe fully the
14 circumstances surrounding the incident, any injuries or damages
15 incurred, the identity of all participants, and whether a police
16 investigation was conducted.
17 (b) Fail to properly maintain an accurate and current record of
18 the name, address, commencing date of employment, and position
19 of each employee, and the date of termination of employment
20 when an employee is terminated.
21 (c) Fail to properly maintain an accurate and current record of
22 proof of completion by each employee of the licensee of the course
23 of training in the exercise of the power to arrest as required by
24 Section 7583.5, the security officer skills training required by

1 subdivision (b) of Section 7583.6, and the annual practice and
2 review required by subdivision (f) of Section 7583.6.

3 (d) Fail to certify an employee's completion of the course of
4 training in the exercise of the power to arrest prior to placing the
5 employee at a duty station.

6 (e) Fail to certify proof of current and valid registration for each
7 employee who is subject to registration or fail to comply with the
8 provisions of Section 7583.11 if employing an individual who
9 does not possess a current and valid registration from the bureau.

10 (f) Fail to certify within three business days after assigning an
11 employee to work with a temporary registration card that the
12 employee has submitted fingerprint cards as required by Section
13 7583.9.

14 (g) Permit any employee to carry a firearm or other deadly
15 weapon without first ascertaining that the employee is proficient
16 in the use of each weapon to be carried. With respect to firearms,
17 evidence of proficiency shall include a certificate from a firearm
18 training facility approved by the director certifying that the
19 employee is proficient in the use of that specified caliber of firearm
20 and a current and valid firearm qualification permit issued by the
21 department. With respect to other deadly weapons, evidence of
22 proficiency shall include a certificate from a training facility
23 approved by the director certifying that the employee is proficient
24 in the use of that particular deadly weapon.

25 (h) Fail to deliver to the director a written report describing
26 fully the circumstances surrounding the discharge of any firearm,
27 or physical altercation with a member of the public while on duty,
28 by a licensee or any officer, partner, or employee of a licensee
29 while acting within the course and scope of his or her employment
30 within seven days after the incident. For the purposes of this
31 subdivision, a report shall be required only for physical
32 altercations that result in any of the following: (1) the arrest of a
33 security guard, (2) the filing of a police report by a member of the
34 public, (3) injury on the part of a member of the public that requires
35 medical attention, or (4) the discharge, suspension, or reprimand
36 of a security guard by his or her employer. The report shall include,
37 but not be limited to, a description of any injuries or damages
38 incurred, the identity of all participants, and whether a police
39 investigation was conducted. Any report may be investigated by
40 the director to determine if any disciplinary action is necessary.

(i) Fail to notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

(j) Fail to administer to each registered employee of the licensee, the review or practice training required by subdivision (f) of Section 7583.6.

SEC. 1.3. Section 7583.2 of the Business and Professions Code is amended to read:

7583.2. ~~No person~~ A licensed as a private patrol operator ~~shall do any of the following~~, lawful business, or public agency that employs a security guard registered pursuant to this chapter shall do the following:

(a) ~~Fail to properly maintain~~ Maintain an accurate and current record of all firearms or other deadly weapons that are in the possession of the licensee, lawful business, public agency, or of any employee while on duty. Within seven days after a licensee, lawful business, or public agency or his or her employees discover that a deadly weapon ~~which~~ that has been recorded as being in his or her possession has been misplaced, lost, or stolen, or in any other way missing, the licensee or his or her manager, lawful business, public agency shall mail or deliver to any local law enforcement agency ~~who~~ that has jurisdiction, a written report concerning the incident. The report shall describe fully the circumstances surrounding the incident, any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.

(b) ~~Fail to properly maintain~~ Maintain an accurate and current record of the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated.

(c) ~~Fail to properly maintain~~ Maintain an accurate and current record of proof of completion by each employee of the licensee, lawful business, or public agency of the course of training in the exercise of the power to arrest as required by Section 7583.5, the security officer skills training required by subdivision (b) of Section 7583.6, and the annual practice and review required by subdivision (f) of Section 7583.6.

(d) ~~Fail to certify~~ Certify an employee's completion of the course of training in the exercise of the power to arrest prior to placing the employee at a duty station.

1 (e) ~~Fail to certify~~ *Certify* proof of current and valid registration
2 for each employee who is subject to registration or fail to comply
3 with the provisions of Section 7583.11 if employing an individual
4 who does not possess a current and valid registration from the
5 bureau.

6 (f) ~~Fail to certify~~ *Certify* within three business days after
7 assigning an employee to work with a temporary registration card
8 that the employee has submitted fingerprint cards as required by
9 Section 7583.9.

10 (g) ~~Permit any~~ *Prohibit an employee to carry* from carrying a
11 firearm or other deadly weapon ~~without~~ *until* first ascertaining that
12 the employee is proficient in the use of each weapon to be carried.
13 With respect to firearms, evidence of proficiency shall include a
14 certificate from a firearm training facility approved by the director
15 certifying that the employee is proficient in the use of that
16 specified caliber of firearm and a current and valid firearm
17 qualification permit issued by the department. With respect to
18 other deadly weapons, evidence of proficiency shall include a
19 certificate from a training facility approved by the director
20 certifying that the employee is proficient in the use of that
21 particular deadly weapon.

22 (h) ~~Fail to deliver~~ *Deliver* to the director a written report
23 describing fully the circumstances surrounding the discharge of
24 any firearm, or physical altercation with a member of the public
25 while on duty, by a licensee or any officer, partner, or employee of
26 a licensee, *lawful business, or public agency* while acting within
27 the course and scope of his or her employment within seven days
28 after the incident. For the purposes of this subdivision, a report
29 shall be required only for physical altercations that result in any of
30 the following: (1) the arrest of a security guard, (2) the filing of a
31 police report by a member of the public, (3) injury on the part of
32 a member of the public that requires medical attention, or (4) the
33 discharge, suspension, or reprimand of a security guard by his or
34 her employer. The report shall include, but not be limited to, a
35 description of any injuries or damages incurred, the identity of all
36 participants, and whether a police investigation was conducted.
37 Any report may be investigated by the director to determine if any
38 disciplinary action is necessary.

1 (i) ~~Fail to notify~~ (1) *Notify* the bureau in writing and within 30
2 days that a manager previously qualified pursuant to this chapter
3 is no longer connected with the licensee.

4 (2) *This subdivision shall not apply to any lawful business or*
5 *public agency that employs registered security guards.*

6 (j) *Fail to administer to each registered employee of the*
7 *licensee, the review or practice training required by subdivision (f)*
8 *of Section 7583.6.*

9 SEC. 1.5. *Section 7583.2 of the Business and Professions*
10 *Code is amended to read:*

11 7583.2. No person licensed as a private patrol operator shall
12 do any of the following:

13 (a) Fail to properly maintain an accurate and current record of
14 all firearms or other deadly weapons that are in the possession of
15 the licensee or of any employee while on duty. Within seven days
16 after a licensee or his or her employees discover that a deadly
17 weapon ~~which~~ *that* has been recorded as being in his or her
18 possession has been misplaced, lost, or stolen, or *is* in any other
19 way missing, the licensee or his or her manager shall mail or
20 deliver to any local law enforcement agency ~~who~~ *that* has
21 jurisdiction, a written report concerning the incident. The report
22 shall describe fully the circumstances surrounding the incident,
23 any injuries or damages incurred, the identity of all participants,
24 and whether a police investigation was conducted.

25 (b) Fail to properly maintain an accurate and current record of
26 the name, address, commencing date of employment, and position
27 of each employee, and the date of termination of employment
28 when an employee is terminated.

29 (c) Fail to properly maintain an accurate and current record of
30 proof of completion by each employee of the licensee of the course
31 of training in the exercise of the power to arrest as required by
32 Section 7583.5, *the security officer skills training required by*
33 *subdivision (b) of Section 7583.6, and the annual practice and*
34 *review required by subdivision (f) of Section 7583.6.*

35 (d) Fail to certify an employee's completion of the course of
36 training in the exercise of the power to arrest prior to placing the
37 employee at a duty station.

38 (e) Fail to certify proof of current and valid registration for each
39 employee who is subject to registration ~~or fail to comply with the~~

~~provisions of Section 7583.11 if employing an individual who does not possess a current and valid registration from the bureau.~~

~~(f) Fail to certify within three business days after assigning an employee to work with a temporary registration card that the employee has submitted fingerprint cards as required by Section 7583.9.~~

~~(g)~~

(f) Permit any employee to carry a firearm or other deadly weapon without first ascertaining that the employee is proficient in the use of each weapon to be carried. With respect to firearms, evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that the employee is proficient in the use of that specified caliber of firearm and a current and valid firearm qualification permit issued by the department. With respect to other deadly weapons, evidence of proficiency shall include a certificate from a training facility approved by the director certifying that the employee is proficient in the use of that particular deadly weapon.

~~(h)~~

(g) Fail to deliver to the director a written report describing fully the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee while acting within the course and scope of his or her employment within seven days after the incident. For the purposes of this subdivision, a report shall be required only for physical altercations that result in any of the following: (1) the arrest of a security guard, (2) the filing of a police report by a member of the public, (3) injury on the part of a member of the public that requires medical attention, or (4) the discharge, suspension, or reprimand of a security guard by his or her employer. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. Any report may be investigated by the director to determine if any disciplinary action is necessary.

~~(i)~~

(h) Fail to notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

1 (i) *Fail to administer to each registered employee of the*
2 *licensee, the review or practice training required by subdivision (f)*
3 *of Section 7583.6.*

4 SEC. 1.7. *Section 7583.2 of the Business and Professions*
5 *Code is amended to read:*

6 7583.2. ~~No person~~ A licensed as a private patrol operator shall
7 ~~do any of the following:~~

8 ~~(a) Fail to properly maintain,~~ *lawful business, or public agency*
9 *that employs a security guard registered pursuant to this chapter*
10 *shall do the following:*

11 (a) *Maintain* an accurate and current record of all firearms or
12 other deadly weapons that are in the possession of the licensee,
13 *lawful business, public agency,* or of any employee while on duty.
14 Within seven days after a licensee, *lawful business, public agency,*
15 or his or her employees discover that a deadly weapon ~~which that~~
16 has been recorded as being in his or her possession has been
17 misplaced, lost, or stolen, or *is* in any other way missing, the
18 licensee or his or her manager, *lawful business, or public agency,*
19 shall mail or deliver to any local law enforcement agency ~~who that~~
20 has jurisdiction, a written report concerning the incident. The
21 report shall describe fully the circumstances surrounding the
22 incident, any injuries or damages incurred, the identity of all
23 participants, and whether a police investigation was conducted.

24 (b) ~~Fail to properly maintain~~ *Maintain* an accurate and current
25 record of the name, address, commencing date of employment,
26 and position of each employee, and the date of termination of
27 employment when an employee is terminated.

28 (c) ~~Fail to properly maintain~~ *Maintain* an accurate and current
29 record of proof of completion by each employee of the licensee,
30 *lawful business, or public agency,* of the course of training in the
31 exercise of the power to arrest as required by Section 7583.5, *the*
32 *security officer skills training required by subdivision (b) of*
33 *Section 7583.6, and the annual practice and review required by*
34 *subdivision (f) of Section 7583.6.*

35 (d) ~~Fail to certify~~ *Certify* an employee's completion of the
36 course of training in the exercise of the power to arrest prior to
37 placing the employee at a duty station.

38 (e) ~~Fail to certify~~ *Certify* proof of current and valid registration
39 for each employee who is subject to registration ~~or fail to comply~~
40 ~~with the provisions of Section 7583.11 if employing an individual~~

1 ~~who does not possess a current and valid registration from the~~
2 ~~bureau.~~

3 ~~(f) Fail to certify within three business days after assigning an~~
4 ~~employee to work with a temporary registration card that the~~
5 ~~employee has submitted fingerprint cards as required by Section~~
6 ~~7583.9.~~

7 ~~(g) Permit any~~ *Prohibit an* employee ~~to carry~~ *from carrying* a
8 firearm or other deadly weapon ~~without~~ *until* first ascertaining that
9 the employee is proficient in the use of each weapon to be carried.
10 With respect to firearms, evidence of proficiency shall include a
11 certificate from a firearm training facility approved by the director
12 certifying that the employee is proficient in the use of that
13 specified caliber of firearm and a current and valid firearm
14 qualification permit issued by the department. With respect to
15 other deadly weapons, evidence of proficiency shall include a
16 certificate from a training facility approved by the director
17 certifying that the employee is proficient in the use of that
18 particular deadly weapon.

19 ~~(h) Fail to deliver~~

20 *(g) Deliver* to the director a written report describing fully the
21 circumstances surrounding the discharge of any firearm, or
22 physical altercation with a member of the public while on duty, by
23 a licensee or any officer, partner, or employee of a licensee, *lawful*
24 *business, or public agency*, while acting within the course and
25 scope of his or her employment within seven days after the
26 incident. For the purposes of this subdivision, a report shall be
27 required only for physical altercations that result in any of the
28 following: (1) the arrest of a security guard, (2) the filing of a
29 police report by a member of the public, (3) injury on the part of
30 a member of the public that requires medical attention, or (4) the
31 discharge, suspension, or reprimand of a security guard by his or
32 her employer. The report shall include, but not be limited to, a
33 description of any injuries or damages incurred, the identity of all
34 participants, and whether a police investigation was conducted.
35 Any report may be investigated by the director to determine if any
36 disciplinary action is necessary.

37 ~~(i) Fail to notify~~

38 *(h) (1) Notify* the bureau in writing and within 30 days that a
39 manager previously qualified pursuant to this chapter is no longer
40 connected with the licensee.

1 (2) *This subdivision shall not apply to any lawful business or*
2 *public agency that employs registered security guards.*

3 (i) *Fail to administer to each registered employee of the*
4 *licensee, the review or practice training required by subdivision (f)*
5 *of Section 7583.6.*

6 SEC. 2. Section 7583.6 of the Business and Professions Code
7 is amended to read:

8 7583.6. (a) A person entering the employ of a licensee to
9 perform the functions of a security guard or a security patrolperson
10 shall complete a course in the exercise of the power to arrest prior
11 to being assigned to a duty location.

12 (b) This section shall not apply to a peace officer as defined in
13 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
14 the Penal Code who has successfully completed a course of study
15 in the exercise of the power to arrest.

16 (c) The department shall develop and approve by regulation a
17 standard course and curriculum for security officer skills training,
18 as will be required on and after July 1, 2004, to promote and protect
19 the safety of persons and the security of property. For this purpose,
20 the department shall consult with consumers, labor organizations
21 representing private security officers, private patrol operators,
22 educators, and subject matter experts.

23 (d) This section shall remain in effect only until July 1, 2004,
24 and as of January 1, 2005, is repealed, unless a later enacted statute,
25 that is enacted before January 1, 2005, deletes or extends those
26 dates.

27 SEC. 2.5. *Section 7583.6 of the Business and Professions*
28 *Code is amended to read:*

29 7583.6. (a) A person entering the employ of a licensee, *any*
30 *lawful business, or a public agency* to perform the functions of a
31 security guard or a security patrolperson shall complete a course
32 in the exercise of the power to arrest prior to being assigned to a
33 duty location.

34 (b) This section shall not apply to a peace officer as defined in
35 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
36 the Penal Code who has successfully completed a course of study
37 in the exercise of the power ~~of~~ to arrest.

38 (c) *The department shall develop and approve by regulation a*
39 *standard course and curriculum for security officer skills training,*
40 *as will be required on and after July 1, 2004, to promote and*

1 *protect the safety of persons and the security of property. For this*
2 *purpose, the department shall consult with consumers, labor*
3 *organizations representing private security officers, private patrol*
4 *operators, educators, and subject matter experts.*

5 *(d) This section shall remain in effect only until July 1, 2004,*
6 *and as of January 1, 2005, is repealed, unless a later enacted*
7 *statute, that is enacted before January 1, 2005, deletes or extends*
8 *those dates.*

9 SEC. 3. Section 7583.6 is added to the Business and
10 Professions Code, to read:

11 7583.6. (a) A person entering the employ of a licensee to
12 perform the functions of a security guard or a security patrolperson
13 shall complete a course in the exercise of the power to arrest prior
14 to being assigned to a duty location.

15 (b) Except for a registrant who has completed the course of
16 training required by Section 7583.45, a person registered pursuant
17 to this chapter shall complete not less than 32 hours of training in
18 security officer skills within six months from the day the
19 registration card is issued. Sixteen of the 32 hours must be
20 completed within 30 days from the day the registration card is
21 issued.

22 (c) A course provider shall issue a certificate to a security guard
23 upon satisfactory completion of a required course, conducted in
24 accordance with the department's requirements. A private patrol
25 operator may provide training programs and courses in addition to
26 the training required in this section.

27 (d) The department shall develop and approve by regulation a
28 standard course and curriculum for the skills training required by
29 subdivision (b) to promote and protect the safety of persons and the
30 security of property. For this purpose, the department shall consult
31 with consumers, labor organizations representing private security
32 officers, private patrol operators, educators, and subject matter
33 experts.

34 (e) The course of training required by subdivision (b) may be
35 administered, tested, and certified by any licensee, or by any
36 organization or school approved by the department. The
37 department may approve any person or school to teach the course.

38 (f) (1) On and after January 1, 2005, a licensee shall annually
39 provide each employee registered pursuant to this chapter with
40 eight hours of specifically dedicated review or practice of security

officer skills prescribed in either course required in Section 7583.6 or 7583.7.

(2) A licensee shall maintain at the principal place of business or branch office a record verifying completion of the review or practice training for a period of not less than two years. The records shall be available for inspection by the bureau upon request.

(g) This section shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power to arrest approved by the Commission on Peace Officer Standards and Training.

(h) This section shall become operative on July 1, 2004.

SEC. 3.5. Section 7583.6 is added to the Business and Professions Code, to read:

7583.6. (a) A person entering the employ of a licensee, any lawful business, or a public agency to perform the functions of a security guard or a security patrolperson shall complete a course in the exercise of the power to arrest prior to being assigned to a duty location.

(b) Except for a registrant who has completed the course of training required by Section 7583.45, a person registered pursuant to this chapter shall complete not less than 32 hours of training in security officer skills within six months from the day the registration card is issued. Sixteen of the 32 hours must be completed within 30 days from the day the registration card is issued.

(c) A course provider shall issue a certificate to a security guard upon satisfactory completion of a required course, conducted in accordance with the department's requirements. A private patrol operator may provide training programs and courses in addition to the training required in this section.

(d) The department shall develop and approve by regulation a standard course and curriculum for the skills training required by subdivision (b) to promote and protect the safety of persons and the security of property. For this purpose, the department shall consult with consumers, labor organizations representing private security officers, private patrol operators, educators, and subject matter experts.

(e) The course of training required by subdivision (b) may be administered, tested, and certified by any licensee, or by any

1 organization or school approved by the department. The
2 department may approve any person or school to teach the course.

3 (f) (1) On and after January 1, 2005, a licensee shall annually
4 provide each employee registered pursuant to this chapter with
5 eight hours of specifically dedicated review or practice of security
6 officer skills prescribed in either course required in Section 7583.6
7 or 7583.7.

8 (2) A licensee shall maintain at the principal place of business
9 or branch office a record verifying completion of the review or
10 practice training for a period of not less than two years. The
11 records shall be available for inspection by the bureau upon
12 request.

13 (g) This section shall not apply to a peace officer as defined in
14 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
15 the Penal Code who has successfully completed a course of study
16 in the exercise of the power to arrest approved by the Commission
17 on Peace Officer Standards and Training.

18 (h) This section shall become operative on July 1, 2004.

19 SEC. 4. Section 7583.7 of the Business and Professions Code
20 is amended to read:

21 7583.7. (a) The course of training in the exercise of the power
22 to arrest may be administered, tested, and certified by any licensee
23 or by any organization or school approved by the department. The
24 department may approve any person or school to teach the course
25 in the exercise of the power to arrest. The course of training shall
26 be approximately three hours in length and shall cover the
27 following topics:

28 (1) Responsibilities and ethics in citizen arrest.

29 (2) Relationship between a security guard and a peace officer
30 in making an arrest.

31 (3) Limitations on security guard power to arrest.

32 (4) Restrictions on searches and seizures.

33 (5) Criminal and civil liabilities.

34 (A) Personal liability.

35 (B) Employer liability.

36 (6) Any other topic deemed appropriate by the bureau.

37 (b) The majority of the course shall be taught by means of
38 verbal instruction. This instruction may include the use of a video
39 presentation.

1 (c) The department shall make available a guidebook as a
2 standard for teaching the course in the exercise of the power to
3 arrest. The department shall encourage additional training and
4 may provide a training guide recommending additional courses to
5 be taken by security personnel.

6 (d) Private patrol operators shall provide a copy of the
7 guidebook described in subdivision (c) to each person that they
8 currently employ as a security guard and to each individual that
9 they intend to hire as a security guard. The private patrol operator
10 shall provide the guidebook to each person he or she intends to hire
11 as a security guard a reasonable time prior to the time the person
12 begins the course in the exercise of the power to arrest.

13 (e) The bureau may inspect, supervise, or view the
14 administration of the test at any time and without any prior
15 notification. Any impropriety in the administration of the course
16 or the test shall constitute grounds for disciplinary action.

17 (f) This section shall remain in effect only until July 1, 2004,
18 and as of January 1, 2005, is repealed, unless a later enacted statute,
19 that is enacted before January 1, 2005, deletes or extends those
20 dates.

21 *SEC. 4.5. Section 7583.7 of the Business and Professions*
22 *Code is amended to read:*

23 7583.7. (a) The course of training in the exercise of the power
24 to arrest may be administered, tested, and certified by any licensee
25 *or by any organization or school approved by the department.* The
26 department may approve any person or school to teach the course
27 in the exercise of the power to arrest. The course of training shall
28 be approximately three hours in length and shall cover the
29 following topics:

30 (1) Responsibilities and ethics in citizen arrest.

31 (2) Relationship between a security guard and a peace officer
32 in making an arrest.

33 (3) Limitations on security guard power to arrest.

34 (4) Restrictions on searches and seizures.

35 (5) Criminal and civil liabilities.

36 (A) Personal liability.

37 (B) Employer liability.

38 (6) Any other topic deemed appropriate by the bureau.

1 (b) The majority of the course shall be taught by means of
2 verbal instruction. This instruction may include the use of a video
3 presentation.

4 (c) The department shall make available a guidebook as a
5 standard for teaching the course in the exercise of the power to
6 arrest. The department shall encourage additional training and
7 may provide a training guide recommending additional courses to
8 be taken by security personnel.

9 (d) Private patrol operators, *or any lawful business or public*
10 *agency that employs a security guard registered pursuant to this*
11 *chapter* shall provide a copy of the guidebook described in
12 subdivision (c) to each person *that* they currently employ as a
13 security guard and to each individual *that* they intend to hire as a
14 security guard. The private patrol operator, *lawful business, or*
15 *public agency* shall provide the guidebook to each person he or she
16 intends to hire as a security guard a reasonable time prior to the
17 time the person begins the course in the exercise of the power to
18 arrest.

19 (e) The bureau may inspect, supervise, or view the
20 administration of the test at any time and without any prior
21 notification. Any impropriety in the administration of the course
22 or the test shall constitute grounds for disciplinary action.

23 (f) *This section shall remain in effect only until July 1, 2004,*
24 *and as of January 1, 2005, is repealed, unless a later enacted*
25 *statute, that is enacted before January 1, 2005, deletes or extends*
26 *those dates.*

27 SEC. 5. Section 7583.7 is added to the Business and
28 Professions Code, to read:

29 7583.7. (a) The course of training in the exercise of the power
30 to arrest may be administered, tested, and certified by any licensee
31 or by any organization or school approved by the department. The
32 department may approve any person or school to teach the course
33 in the exercise of the power to arrest. The course of training shall
34 be approximately eight hours in length and shall cover the
35 following topics:

- 36 (1) Responsibilities and ethics in citizen arrest.
37 (2) Relationship between a security guard and a peace officer
38 in making an arrest.
39 (3) Limitations on security guard power to arrest.
40 (4) Restrictions on searches and seizures.

1 (5) Criminal and civil liabilities.

2 (A) Personal liability.

3 (B) Employer liability.

4 (6) Trespass law.

5 (7) Ethics and communications.

6 (8) Emergency situation response, including response to
7 medical emergencies.

8 (9) Security officer safety.

9 (10) Any other topic deemed appropriate by the bureau.

10 (b) The majority of the course shall be taught by means of
11 verbal instruction. This instruction may include the use of a video
12 presentation.

13 (c) The department shall make available a guidebook as a
14 standard for teaching the course in the exercise of the power to
15 arrest. The department shall encourage additional training and
16 may provide a training guide recommending additional courses to
17 be taken by security personnel.

18 (d) Private patrol operators shall provide a copy of the
19 guidebook described in subdivision (c) to each person that they
20 currently employ as a security guard and to each individual that
21 they intend to hire as a security guard. The private patrol operator
22 shall provide the guidebook to each person he or she intends to hire
23 as a security guard a reasonable time prior to the time the person
24 begins the course in the exercise of the power to arrest.

25 (e) The bureau may inspect, supervise, or view the
26 administration of the test at any time and without any prior
27 notification. Any impropriety in the administration of the course
28 or the test shall constitute grounds for disciplinary action.

29 (f) This section shall become operative on July 1, 2004.

30 *SEC. 5.5. Section 7583.7 is added to the Business and*
31 *Professions Code, to read:*

32 *7583.7. (a) The course of training in the exercise of the power*
33 *to arrest may be administered, tested, and certified by any licensee*
34 *or by any organization or school approved by the department. The*
35 *department may approve any person or school to teach the course*
36 *in the exercise of the power to arrest. The course of training shall*
37 *be approximately eight hours in length and shall cover the*
38 *following topics:*

39 *(1) Responsibilities and ethics in citizen arrest.*

1 (2) *Relationship between a security guard and a peace officer*
2 *in making an arrest.*
3 (3) *Limitations on security guard power to arrest.*
4 (4) *Restrictions on searches and seizures.*
5 (5) *Criminal and civil liabilities.*
6 (A) *Personal liability.*
7 (B) *Employer liability.*
8 (6) *Trespass law.*
9 (7) *Ethics and communications.*
10 (8) *Emergency situation response, including response to*
11 *medical emergencies.*
12 (9) *Security officer safety.*
13 (10) *Any other topic deemed appropriate by the bureau.*
14 (b) *The majority of the course shall be taught by means of*
15 *verbal instruction. This instruction may include the use of a video*
16 *presentation.*
17 (c) *The department shall make available a guidebook as a*
18 *standard for teaching the course in the exercise of the power to*
19 *arrest. The department shall encourage additional training and*
20 *may provide a training guide recommending additional courses to*
21 *be taken by security personnel.*
22 (d) *Private patrol operators, or any lawful business or public*
23 *agency that employs a security guard registered pursuant to this*
24 *chapter shall provide a copy of the guidebook described in*
25 *subdivision (c) to each person that they currently employ as a*
26 *security guard and to each individual that they intend to hire as a*
27 *security guard. The private patrol operator, lawful business, or*
28 *public agency shall provide the guidebook to each person he or she*
29 *intends to hire as a security guard a reasonable time prior to the*
30 *time the person begins the course in the exercise of the power to*
31 *arrest.*
32 (e) *The bureau may inspect, supervise, or view the*
33 *administration of the test at any time and without any prior*
34 *notification. Any impropriety in the administration of the course*
35 *or the test shall constitute grounds for disciplinary action.*
36 (f) *This section shall become operative on July 1, 2004.*
37 SEC. 6. Section 7583.20 of the Business and Professions
38 Code is amended to read:
39 7583.20. (a) A registration issued under this chapter expires
40 two years following the date of issuance or on the assigned renewal

1 date. Every security guard issued a registration under this chapter
2 that expires on or after January 1, 1997, and who is also issued or
3 renews a firearms qualification card on or after January 1, 1997,
4 shall be placed on a cyclical renewal so that the registration expires
5 on the expiration date of the firearms qualification card.
6 Notwithstanding any other provision of law, the bureau is
7 authorized to extend or shorten the first term of registration
8 following January 1, 1997, and to prorate the required registration
9 fee in order to implement this cyclical renewal. At least 60 days
10 prior to the expiration, a registrant seeking to renew a security
11 guard registration shall forward to the bureau a completed
12 registration renewal application and the renewal fee. The renewal
13 application shall be on a form prescribed by the director, dated and
14 signed by the applicant, certifying under penalty of perjury that the
15 information in the application is true and correct.

16 (b) The licensee shall provide to any employee information
17 regarding procedures for renewal or registration.

18 (c) In the event a registrant fails to request a renewal of his or
19 her registration as provided for in this chapter, the registration shall
20 expire as indicated on the registration. If the registration is
21 renewed within 60 days after its expiration, the registrant, as a
22 condition precedent to renewal, shall pay the renewal fee and the
23 delinquency fee.

24 (d) The delinquency fee is 50 percent of the renewal fee in
25 effect on the date of expiration, but not less than twenty-five
26 dollars (\$25).

27 (e) If the renewed registration card has not been delivered to the
28 registrant prior to the expiration of the prior registration, the
29 registrant may present evidence of renewal to substantiate
30 continued registration for a period not to exceed 90 days after the
31 date of expiration.

32 (f) A registration may not be renewed or reinstated unless a
33 registrant meets both of the following requirements:

34 (1) All fines assessed pursuant to Section 7587.7 and not
35 resolved in accordance with the provisions of that section have
36 been paid.

37 (2) On and after July 1, 2005, the registrant certifies, on a form
38 prescribed by the bureau, that he or she has completed the 32 hours
39 of the training required by subdivision (b) of Section 7583.6.

1 SEC. 7. Section 7587.1 of the Business and Professions Code
2 is amended to read:

3 7587.1. Notwithstanding Section 477, a firearm qualification
4 card and a baton permit shall be considered a license subject to the
5 terms of this section.

6 Notwithstanding the assessment or payment of fines for any
7 violations of this chapter, the director may deny, suspend, or
8 revoke a license issued under this chapter if he or she determines
9 that the licensee or his or her manager, if an individual, or if the
10 licensee is a person other than an individual, that any of its officers,
11 directors, partners, or its manager, has:

12 (a) Made any false statement or given any false information in
13 connection with an application for a license or a renewal or
14 reinstatement of a license.

15 (b) Violated any provisions of this chapter.

16 (c) Violated any rule of the director adopted pursuant to the
17 authority contained in this chapter.

18 (d) Committed any act or crime constituting grounds for denial
19 of licensure under Section 480, including illegally using, carrying,
20 or possessing a deadly weapon.

21 (e) Impersonated, or permitted or aided and abetted an
22 employee to impersonate a law enforcement officer or employee
23 of the United States of America, or of any state or political
24 subdivision thereof.

25 (f) Committed or permitted any employee to commit any act,
26 while the license was expired which would be cause for the
27 suspension or revocation of a license, or grounds for the denial of
28 an application for a license.

29 (g) Willfully failed or refused to render to a client services or
30 a report as agreed between the parties and for which compensation
31 has been paid or tendered in accordance with the agreement of the
32 parties.

33 (h) Committed assault, battery, or kidnapping, or used force or
34 violence on any person, without proper justification.

35 (i) Knowingly violated, or advised, encouraged, or assisted the
36 violation of any court order or injunction in the course of business
37 as a licensee.

38 (j) Acted as a runner or capper for any attorney.

39 (k) Been convicted of a violation of Section 148 of the Penal
40 Code.

1 (l) Committed any act which is a ground for denial of an
2 application for a license under this chapter.

3 (m) Committed any act prohibited by Chapter 1.5
4 (commencing with Section 630) of Title 15 of Part 1 of the Penal
5 Code.

6 (n) Purchased, possessed, or transported any tear gas weapon
7 except as authorized by law. A violation of this subdivision may
8 be punished by the suspension of a license for a period to be
9 determined by the director.

10 (o) Been convicted of a violation of Section 95.3 of the Penal
11 Code.

12 SEC. 8. Section 7588 of the Business and Professions Code
13 is amended to read:

14 7588. The fees prescribed by this chapter are as follows:

15 (a) The application and examination fee for an original license
16 for a private patrol operator may not exceed five hundred dollars
17 (\$500).

18 (b) The application fee for an original branch office certificate
19 for a private patrol operator may not exceed two hundred fifty
20 dollars (\$250).

21 (c) The fee for an original license for a private patrol operator
22 may not exceed seven hundred dollars (\$700).

23 (d) The renewal fee is as follows:

24 (1) For a license as a private patrol operator, the fee may not
25 exceed seven hundred dollars (\$700).

26 (2) For a combination license as a private investigator under
27 Chapter 11.3 (commencing with Section 7512) and private patrol
28 operator, AC or DC prefix, the fee may not exceed six hundred
29 dollars (\$600).

30 (3) For a branch office certificate for a combination private
31 investigator under Chapter 11.3 (commencing with Section 7512)
32 and private patrol operator, the fee may not exceed forty dollars
33 (\$40), and for a private patrol operator, the fee may not exceed
34 seventy-five dollars (\$75).

35 (e) The delinquency fee is 50 percent of the renewal fee in
36 effect on the date of expiration.

37 (f) A reinstatement fee is equal to the amount of the renewal fee
38 plus the regular delinquency fee.

(g) The fee for reexamination of an applicant or his or her manager shall be the actual cost to the bureau for developing, purchasing, grading, and administering each examination.

(h) Registration fees pursuant to this chapter are as follows:

(1) A registration fee for a security guard shall be fifty dollars (\$50).

(2) A security guard registration renewal fee shall be thirty-five dollars (\$35).

(i) Fees to carry out other provisions of this chapter are as follows:

(1) A firearms qualification fee may not exceed eighty dollars (\$80).

(2) A firearms requalification fee may not exceed sixty dollars (\$60).

(3) An initial baton certification fee may not exceed fifty dollars (\$50).

(4) An application fee and renewal fee for certification as a firearms training facility or a baton training facility may not exceed five hundred dollars (\$500).

(5) An application fee and renewal fee for certification as a firearms training instructor or a baton training instructor may not exceed two hundred fifty dollars (\$250).

SEC. 9. Section 7588.5 is added to the Business and Professions Code, to read:

7588.5. Notwithstanding any other provision of law, the Director of Consumer Affairs is authorized to temporarily reduce fees required by either paragraph (1) or (2) of subdivision (h) of Section 7588, or both, upon receipt of federal funds by the Department of Consumer Affairs for implementation of this act or any enhancement of private security services in this state, provided that the funds received are sufficient to justify the reduction.

SEC. 10. (a) Section 1.3 of this bill incorporates amendments to Section 7583.2 of the Business and Professions Code proposed by both this bill and AB 248. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.2 of the Business and Professions Code, and (3) SB 1241 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 248, in which case Sections 1, 1.5, and 1.7 of this bill shall not become operative.

(b) Section 1.5 of this bill incorporates amendments to Section 7583.2 of the Business and Professions Code proposed by both this bill and SB 1241. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.2 of the Business and Professions Code, (3) AB 248 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 1241 in which case Sections 1, 1.3, and 1.7 of this bill shall not become operative.

(c) Section 1.7 of this bill incorporates amendments to Section 7583.2 of the Business and Professions Code proposed by this bill, AB 248, and SB 1241. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2003, (2) all three bills amend Section 7583.2 of the Business and Professions Code, and (3) this bill is enacted after AB 248 and SB 1241, in which case Sections 1, 1.3, and 1.5 of this bill shall not become operative.

SEC. 11. Sections 2.5 and 3.5 of this bill incorporate amendments to Section 7583.6 of the Business and Professions Code proposed by both this bill and AB 248. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.6 of the Business and Professions Code, and (3) this bill is enacted after AB 248, in which case Sections 2 and 3 of this bill shall not become operative.

SEC. 12. Sections 4.5 and 5.5 of this bill incorporate amendments to Section 7583.7 of the Business and Professions Code proposed by both this bill and AB 248. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.7 of the Business and Professions Code, and (3) this bill is enacted after AB 248, in which case Sections 4 and 5 of this bill shall not become operative.

CORRECTIONS
Text — Pages 13 and 14.